



WMP.No.28334 of 2023
in
W.P.No.3821 of 2020

R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

(Order of the court was made by R.Mahadevan, J.)

This petition is filed by the petitioner seeking to condone the delay of 118 days in filing the petition to restore the aforesaid writ petition in WP.No.3821 of 2020, which was dismissed for default vide order dated 06.03.2023.

2. The petitioner has filed the writ petition in WP.No.3821 of 2020, challenging the notification dated 24.01.2020 and for a consequential direction to the respondent bank to confirm the sale of the property mentioned in item 2 in the notification in the name of the petitioner on receipt of the balance bid amount. On 21.02.2023, when the matter was taken up for consideration, there was no representation for the petitioner and hence, the matter was directed to be posted on 06.03.2023 under the caption 'for dismissal'. On 06.03.2023, again there was no representation for the petitioner either in person or through his counsel and hence, the same was dismissed for non-prosecution. Thereafter, the petitioner has taken steps to restore the aforesaid writ petition. However, in this process there is a delay of 118 days occurred. Therefore, this miscellaneous petition.

3. When the delay petition came up for hearing on 20.10.2023, there was no representation for the petitioner. Hence, the matter was directed to be posted on



31.10.2023 under the caption 'for dismissal'. On 31.10.2023, the learned counsel for the petitioner sought a short accommodation and hence, the matter was directed to be posted on 02.11.2023.

4. Accordingly, the matter is listed today. It is submitted by the learned counsel appearing for the petitioner that the relevant documents pertaining to the writ petition had been misplaced and the same were not found out within the limitation time and that, after tracing out the documents, the petition was filed with a delay of 118 days, which is neither wilful nor wanton, and hence, the same may be condoned.

5. Considering the facts and circumstances of the case and having regard to the reasons stated in the affidavit filed in support of the petition, we are inclined to condone the delay, subject to payment of costs of Rs.5,000/- by the petitioner to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, within a week's time from the date of receipt of copy of this order.

6. Upon production of receipt for payment of costs, this writ miscellaneous petition stands ordered.

[R.M.D., J.] [M.S.Q., J.]
02.11.2023

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